

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

KIMBERLY KJESSLER, KLAIRE RUECKERT, LAURA BRALEY, TIMOTHY HAYDEN and SUMMER LANG, individually and on behalf of all others similarly situated,

*Plaintiffs,*

v.

ZAAPPAAZ, INC., AZIM MAKANOJIYA, NETBRANDS MEDIA CORP., MASHNOON AHMED, GENNEX MEDIA, LLC, BRANDECO, L.L.C., AKIL KURJI, CUSTOM WRISTBANDS INC., and CHRISTOPHER ANGELES,

*Defendants.*

Civil Action No. 4:18-cv-0430  
(Consolidated)

**DECLARATION OF JOHN D. RADICE IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, John D. Radice, declare as follows:

1. I am the managing partner at Radice Law Firm, PC. I submit this declaration in support of Plaintiff's motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in the above-captioned action (the "Action").
2. My firm served as Plaintiffs' Counsel in the Action.
3. The schedule attached as Exhibit 1 sets forth my firm's total hours and lodestar, computed at historical rates, for the period of inception of the case through and including today's date. The total number of hours spent by my firm during this period was 292.1, with a corresponding total lodestar (at historical rates) of \$178,064.50. This schedule was prepared from contemporaneous daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs

in the Action, my firm did the following: investigating the underlying factual record and developing the legal theories of the case; drafting an initial complaint; drafting and arguing motions before the JPML; and responding to discovery served by Defendants. The lodestar amount reflected in Exhibit 1 is for work performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit 1 are the usual and customary hourly rates historically charged by my firm in similar complex litigation matters.

4. My firm has expended a total of \$1,512.95 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including today's date. These costs are set forth in the Schedule attached as Exhibit 2 and are reflected in the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



September 1, 2020

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John D. Radice  
Managing Partner  
Radice Law Firm, PC

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**EXHIBIT 1 TO THE DECLARATION OF JOHN D. RADICE IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar**  
Inception Through Today's Date

Name	Position	Hours	Historical Rate	Lodestar
John Radice (2017-2019)	P	83.6	\$695	\$58,102.00
April Lambert (2017-2019)	OF	61.9	\$575	\$35,592.50
April Lambert (2020)	OF	1.5	\$625	\$937.50
Dan Rubenstein (2017-2018)	OF	145.1	\$575	\$83,432.50
<b>TOTAL</b>		292.1		\$178,064.50

**Role Legend**

- P Partner  
S Shareholder  
SC Senior Counsel  
OF Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator

SA Staff Attorney  
CA Contract Attorney

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**EXHIBIT 2 TO THE DECLARATION OF JOHN D. RADICE IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Summary Expense Report**  
Inception Through Today's Date

Expense	Total Amount
Electronic Research (Lexis/Westlaw/PACER)	--
Court Costs – Filing Fees	--
Litigation Fund Contribution	--
Federal Express/Overnight Delivery/Messengers	36.99
Photocopies – In House	--
Photocopies – Outside	117.34
Postage	39.90
Service of Process Fees	359.25
Telephone/Fax	--
Transportation/Meals/Lodging	912.85
Co-Counsel Fees	--
Experts/Consultant Fees	--
Court Reporter Service/Hearing Transcript Fees	46.62
<b>TOTAL EXPENSES</b>	<b>1512.95</b>